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Paper No.

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MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of	:	
William Delaplaine Green	:	
Application No. 10/637,841	:	DECISION ON RENEWED PETITION
Filed: August 8, 2003	:	PURSUANT TO
Title: TWO-CYCLE INTERNAL	:	37 C.F.R. § 1.137(B)
COMBUSTION ENGINE	:	

This is a decision on the renewed petition filed August 3, 2011, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This renewed petition is **GRANTED**.

An Office communication (first Office communication) was mailed on December 17, 2009, which required, *inter alia*, the submission of a marked up copy of a substitute specification. The mailing set a non-extendable one month period for response, and expressly withdrew a previously-made indication from the Office that the application contains allowable claims.¹ A response was received on January 19, 2010, and a marked up copy of the substitute specification was not submitted concurrently therewith. Consequently, an Office communication (second Office communication) was mailed on February 25, 2010, which reiterated the requirement for the submission of a marked up copy of a substitute specification. The second Office communication set an extendable one-month period for response. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-

¹ See first Office communication, page 2. See also Office Action Summary of December 21, 2006, section 5.

identified application became abandoned on March 26, 2010. A notice of abandonment was mailed on October 28, 2010.

A petition pursuant to 37 C.F.R. § 1.137(a) was filed on December 21, 2010, and was dismissed via the mailing of a decision on February 14, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on April 13, 2011, along with the petition fee and the proper statement of unintentional delay. The original petition pursuant to 37 C.F.R. § 1.137(b) was dismissed via the mailing of a decision on June 3, 2011, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

With this renewed petition, Petitioner has included a marked up copy of the specification.

It follows that the first requirement of Rule 1.137(b) has been satisfied.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify

² See Rule 1.137(d).

the Examiner of this decision, so that the application can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/

Paul Shanoski
Senior Attorney
Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).